

## **CHAPTER 3**

### **ELIGIBILITY AND SLOT ALLOCATION**

Revised July 2019

#### **HASCI Waiver Eligibility**

To become enrolled in the HASCI Waiver program, a person must meet all of the following requirements:

- have a diagnosis of Traumatic Brain Injury (TBI), Spinal Cord Injury (SCI), or Similar Disability (SD) as established by determination of eligibility for the SCDDSN Head and Spinal Cord Injury Division  
*Diagnostic eligibility criteria for the HASCI Waiver are the same as for the SCDDSN Head and Spinal Cord Injury Division (Section 44-38-370 of South Carolina Code of Laws).*
- be allocated a HASCI Waiver participant slot
- receive Medicaid in South Carolina or become eligible prior to enrollment
- meet Level of Care (LOC) criteria for a Nursing Facility (NF) or an Intermediate Care Facility for Individuals with Intellectual Disability (ICF/IID)
- depend on others to provide, assist with, or supervise/monitor critical health needs and/or personal care and basic activities of daily living
- need services or assistance not available from existing resources, including family, private funds, and other agencies/programs  
*HASCI Waiver is the last payer after all other funding and resources available to the person.*
- have sufficient independence/natural supports to live safely in a private residence or other community setting with limited HASCI Waiver services and other available services/resources
- be enrolled in the HASCI Waiver prior to age 65 years. *Current participants remain eligible after their 65<sup>th</sup> birthday if all other eligibility factors continue to be met.*

#### **Management of HASCI Waiver Slots**

A limited number of participant slots are available each year for the HASCI Waiver. The number of slots actually allocated by SCDDSN depends on the availability of State matching funds. Allocation of HASCI Waiver slots is managed by the Head and Spinal Cord Injury Division.

## **Requesting a HASCI Waiver Slot**

Referral for HASCI Waiver services can be made during SCDDSN intake or anytime following SCDDSN eligibility determination.

Whenever the HASCI Waiver is specifically requested or it is reported that a person has needs that could likely be met with HASCI Waiver services, the DDSN Eligibility Screener, the Intake Worker or person's Waiver Case Manager must inform the person or legal guardian/representative of:

- the option to be referred to the HASCI Waiver
- requirements to qualify for the HASCI Waiver program
- services that are available through the HASCI Waiver
- the right to seek reconsideration by SCDDSN and to request a fair hearing from the State Medicaid agency (SCDHHS) for adverse decisions or actions related to applying for HASCI Waiver services.

A HASCI Waiver Fact Sheet is available to assist with this. *It can be accessed via the SCDDSN Application Portal >Business Tools >Forms >HASCI Waiver.*

## **Referral by Waiver Case Manager**

The Waiver Case Manager is responsible for assessing the person's needs and determining the service(s) and support(s) required to meet the identified needs. If, after assessing the needs and identifying the required services and supports, the Waiver Case Manager finds that the HASCI Waiver is an appropriate mechanism for funding all or some of the needed services and supports, he/she should refer the person to the HASCI Waiver. The Waiver Case Manager must complete a *Request for HASCI Waiver Slot* (HASCI Form 1) and forward it by SComm, secure email, mail, or fax to the HASCI Division within three (3) working days of the applicant/legal guardian's request for waiver services or of the determination that waiver services are needed. The Waiver Case Manager must also forward the HASCI Waiver Information Sheet to the applicant/guardian within three (3) working days.

HASCI Form 1 is also used to request that a person already on the waiting list be moved from Regular status to Urgent status or from Urgent status to Regular status, because of changes in condition, functioning, or circumstances.

To be considered for Urgent status on the HASCI Waiver waiting list, the person must have completed SCDDSN eligibility determination, must receive active case management, and must have an Assessment and current Support Plan on Therap. Information concerning the person's condition, functioning, and circumstances to justify Urgent status must be provided on the HASCI Form 1 or in accompanying materials sent with the HASCI Form 1.

Following review of the HASCI Form 1 and other information, the HASCI Division will notify the Waiver Case Manager by SComm that the person has been placed on the HASCI Waiver waiting list in Regular or Urgent status. Receipt of this notification must be documented in a Case Note. The HASCI Form 1 must be maintained in the participant's file.

The Waiver Case Manager must notify the person or legal guardian/representative in writing and provide information concerning SCDDSN Reconsideration and SCDHHS Medicaid Appeal.

## **HASCI Waiver Waiting List**

SCDDSN maintains a waiting list of applicants for the HASCI Waiver managed by the HASCI Division. Applicants are placed on the waiting list in Urgent or Regular status, based on severity of condition and level of need.

Criteria for Urgent status on the HASCI Waiver waiting list are:

1. Very severe injury resulting in functional limitations requiring extensive or total care (spinal cord injury at quadriplegia level; very severe traumatic brain injury)
2. Emergency need for assistance with personal care and safety
3. Recent loss of a primary caregiver (permanently gone within the past 90 days) or imminent risk of losing a primary caregiver (permanently gone within the next 90 days), and no other paid or unpaid supports to replace the primary caregiver
4. Recently discharged (within the past 90 days) or pending discharge (within the next 90 days) from acute care or rehabilitation hospital with complex unmet service needs.
5. Lack of an active support network of family, friends, and community resources
6. Specific extenuating circumstances affecting urgency (e.g. more than one person with disabilities or special needs in the household, primary caregiver is elderly or has a serious medical condition; primary caregiver is also responsible for minor children or elderly family members; etc.)

An applicant must meet at least two of the above criteria to be considered for Urgent status on the waiting list. If criteria for Urgent status are not met, the applicant will be placed on the waiting list in Regular status.

- Waiting list placement is based on the date of referral.

*All persons referred to the HASCI Waiver prior to SCDDSN eligibility determination are placed on the waiting list in Regular status. Following SCDDSN eligibility determination, the Waiver Case Manager can request the person be moved to Urgent status on the HASCI Waiver waiting list if this is warranted by the person's condition, functioning, and circumstances. If Urgent status is approved, it will be effective based on the date of referral.*

- If referred to the HASCI Waiver by the Intake Worker or Waiver Case Manager during intake or anytime following eligibility determination, placement on the waiting list is based on the date of referral.
- An applicant in Urgent status on the waiting in list who no longer meets criteria will be moved to Regular status based on the original referral date.
- An applicant in Regular status on the waiting list who later meets Urgent criteria will be moved to Urgent status based on the date it is confirmed that Urgent criteria are met.
- At any time, a person or legal guardian can request the Waiver Case Manager to provide an update on the person's status and position on the waiting list. The Waiver Case Manager must contact the HASCI Division for this information.

## **Allocation of HASCI Waiver Slots**

HASCI Division staff will review the HASCI Waiver Slot Request (HASCI Form 1). If a waiver slot is available and the slot request has been approved, the HASCI Division will notify the Waiver Case Manager in writing when a person has been allocated a Waiver slot. The HASCI Program Coordinator will notify the SCDHHS Out Station Worker via DHHS Form 118A that the applicant has been awarded a waiver slot and will begin processing the enrollment.

- To be eligible for enrollment, a person must first be determined to meet the target population of the HASCI Waiver.
  - In review of eligibility for DDSN Services, the DDSN Eligibility Division will establish whether the individual meets the target population for the HASCI Waiver.
  - While an individual can request the HASCI Waiver at any point during the DDSN eligibility process, a slot will not be allocated until it has been determined that he/she meets the target population.
  - Slot requests received prior to verification that the individual meets the target population will be held for processing.
  - If the person meets the target population for the HASCI Waiver, the slot will be allocated based on slot availability and the date of the slot request.
  - If it is determined that the person does not meet the target population for the HASCI Waiver, the person will be removed from the processing list and the HASCI Program

Coordinator will provide the notice of “SC DDSN Reconsideration and SC DHHS Medicaid Appeal Rights”.

- ◆ If the person requests reconsideration/appeals, and the determination is overturned, the person will be added back to the processing list and a slot will be allocated based on slot availability and the date of the slot request.
  - ◆ If the determination is upheld, the person’s name will not be added back to the processing list and a slot will not be allocated.
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- An applicant who meets Urgent criteria and is ready for enrollment will be allocated the first available HASCI Waiver slot. If more than one individual on the waiting list in Urgent status is ready for enrollment, they will be allocated an available HASCI Waiver slot based on earliest documented date of request.
  - If there are no applicants on the waiting list in Urgent status ready for enrollment, applicants on the Regular waiting list ready for enrollment will be allocated the first available HASCI Waiver slot based on earliest documented date of request.
  - A person in a nursing facility, hospital swing bed, or hospital administrative day bed for at least 90 consecutive days who is ready for discharge and requests to receive community based services will be allocated the first available HASCI Waiver slot when he or she can meet eligibility requirements listed on page 1. This does not require being on the HASCI Waiver waiting list.

**Individuals in the following situations qualify for Reserved Capacity and will be enrolled on a priority basis (bypassing the waiting list):**

1. **Eligible family members of a member of the armed services who maintains a South Carolina residence:** Regardless of where the service member is stationed, the eligible family member will maintain waiver status. An eligible family member on the waiting list will remain on the list and progress as normal. If they move up to number 1, a Reserved Capacity slot will be awarded. An eligible family member previously enrolled in the waiver program would be reinstated into the waiver program once South Carolina Medicaid eligibility is established upon their return to South Carolina. No services will be provided outside the South Carolina Medicaid Service Area.
2. **Individuals Discharging from a Nursing Facility into Community Placement:** Those individuals currently residing in a nursing facility who have the ability to move into the community with waiver supports in place would receive priority. If an individual residing in a nursing facility has sufficient resources to move into the community with

waiver supports in place, he or she can bypass the waiting list and be allocated a reserve capacity slot.

If the Waiver Case Manager determines that an individual meets criteria for Reserved Capacity, a request must be sent to the HASCI Program Coordinator for review. The decision will be made and communicated in writing to the Waiver Case Manager. If necessary, the appeal/reconsideration process will be included with the notification to individual/legal guardian.

## **HASCI Waiver Residential Slots**

A limited number of HASCI Waiver slots are available specifically for participants in a residential placement funded by SCDDSN. Allocation of a HASCI Waiver residential slot is contingent on the availability of funding and a vacancy in an appropriate residential placement.

A person must be approved for the SCDDSN Critical Needs List or the Priority I Residential Waiting List to be considered for a placement funded by SCDDSN. To refer a person, the Waiver Case Manager must submit a *Report of Critical/Urgent Circumstances* (SCDDSN Directive 502-05-DD, Appendix A) to the appropriate SCDDSN District Office.

The Waiver Case Manager must notify the HASCI Division by SComm whenever a *Report of Critical/Urgent Circumstances* is submitted.

- If the person is not already enrolled in the HASCI Waiver or on the waiting list, but likely to qualify, the Waiver Case Manager must complete a *Request for HASCI Waiver Slot* (HASCI Form 1) and forward it to the HASCI Division.
- If not already enrolled in the HASCI Waiver but likely to qualify, a person approved for the SCDDSN Critical Needs List must also be in Urgent status on the HASCI Waiver waiting list.
- If the person is in Regular status on the HASCI Waiver waiting list, the Waiver Case Manager must submit a HASCI Form 1 to the HASCI Division requesting that person be moved to Urgent status and providing justification.

## **Referrals from SCDSS or SCDMH**

The HASCI Division must be notified by telephone or SComm if HASCI Waiver services and/or residential placement funded by SCDDSN are requested for a person in custody of

or served by South Carolina Department of Social Services (SCDSS) or South Carolina Department of Mental Health (SCDMH).

If the person is not already eligible for the Head and Spinal Cord Injury Division, SCDSS or SCDMH staff (or the person or legal guardian) must make a referral by contacting SCDDSN screening at 1-800-289-7012 (toll-free) or online at [ddsn.sc.gov/apply](http://ddsn.sc.gov/apply).

If the person is not already on the HASCI Waiver waiting list, referral must be made by the Intake Worker or the Waiver Case Manager during intake or following SCDDSN eligibility determination.

If residential placement funded by SCDDSN is requested, the Waiver Case Manager must submit a *Report of Critical/Urgent Circumstances* to the appropriate SCDDSN District Office. This cannot be done until after the person has been determined eligible for SCDDSN and appropriate procedures followed.

## **Removal from HASCI Waiver Waiting List**

A person will be removed from the HASCI Waiver waiting list if any of the following occurs:

- HASCI Waiver slot allocated
- Determined ineligible
- Death
- Moved out of state
- Admission to a NF or ICF/IID expected to be permanent
- Cannot be located
- Removal requested by the person or legal guardian

If the person or legal guardian requests removal from the HASCI Waiver waiting list, the Waiver Case Manager must document the reason in a Case Note and, except in the case of death, complete a *HASCI Waiver Slot Declination* (HASCI Form 3). It must be signed by the person or legal guardian and the Waiver Case Manager. The original form must be maintained in the person's file. Copies must be sent to the HASCI Division and to the person or legal guardian.

If it is reported that a person on the waiver waiting list has died, the Waiver Case Manager should notify the HASCI Waiver Program Coordinator and his/her name will be removed from the waiting list.

A person on the waiting list who does not want to pursue a HASCI Waiver slot when notified one is available can choose to either move to bottom of the waiting list or be

removed from the waiting list. The Waiver Case Manager must document the option chosen in a Case Note and notify the HASCI Division by SComm.